

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----	X	
IN RE:	:	
	:	
OPEN AI, INC.,	:	No. 25-md-31433 (SHS) (OTW)
COPYRIGHT INFRINGEMENT LITIGATION	:	
	:	
This Document Relates To:	:	
	:	
All Actions	:	
-----	X	

**DECLARATION OF MAILE YEATS-ROWE IN SUPPORT OF OPENAI
DEFENDANTS' LETTER MOTION TO SEAL**

I, Maile Yeats-Rowe, hereby declare as follows:

1. I am Senior Litigation Counsel at OpenAI. I submit this declaration in support of OpenAI Defendants' letter motion to seal, filed concurrently herewith. I have personal knowledge of the facts set forth below and if called as a witness, could testify competently thereto.
2. I have been informed that because OpenAI's letter brief is not a "judicial document[]" under *Lugosch v. Pyramid Company of Onondaga*, 435 F.3d 100 (2d Cir. 2006), but rather a discovery-related document, the "presumption of access to these records is low." *Bernstein v. Bernstein Litowitz Berger & Grossman LLP*, 814 F.3d 132 (2d Cir. 2016); *see Brown v. Maxwell*, 929 F.3d 41, 50 (2d Cir. 2019); *Rand v. Travelers Indem. Co.*, No. 21-CV-10744 (VB)(VF), 2023 WL 4636614, at *2 (S.D.N.Y. July 19, 2023) (court not required to articulate compelling reasons to seal for material in non-dispositive motions).
3. I have been informed and understand that OpenAI confidential material has been designated by OpenAI as "HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY"

pursuant to the News case's protective order. I submit this declaration in support of redacting certain information, as marked in highlighting in the contemporaneously-filed copy of OpenAI's letter brief.

4. Based on my review, the documents identified with specificity below fall into one or more of the following categories: (1) highly sensitive technological markers that pose data security threats to OpenAI if disclosed; (2) proprietary information concerning OpenAI's technology and business that could be unfairly used by its competitors if made public; and (3) information on OpenAI's partnership with third parties that would threaten its competitive standing in the market and potentially violate confidentiality provisions if not protected.

5. **Category (i).** Internal filenames, hyperlinks, URLs, user IDs, training data names, source code filenames, and technological markers are highly sensitive and warrant sealing. *See Rand v. Travelers Indemnity Company*, No. 21-CV-10744, 2023 WL 4636614, at *2-3 (S.D.N.Y. July 19, 2023) (sealing information that could pose cybersecurity threats to organization if released). Disclosure of this information could compromise OpenAI's internal safety and security measures. Category (i) information can be found in the following:

Description	ECF Nos.	Redact or Seal
Motion to Compel Datasets	155	Redact
Exhibit A to the Motion to Compel Datasets	155-2	Seal
Exhibit F to the Motion to Compel Datasets	155-7	Redact
Exhibit G to the Motion to Compel Datasets	155-8	Redact
Exhibit H to the Motion to Compel Datasets	155-9	Redact
Exhibit I to the Motion to Compel Datasets	155-10	Redact
Exhibit I to the Letter Seeking In Camera Review of Certain Privileged Documents	156-1	Seal
Exhibit H to the Motion to Compel Documents re Dashboards	157-9	Redact
OpenAI's Opposition to Motion to Compel Datasets	185	Redact

Description	ECF Nos.	Redact or Seal
Exhibit 4 to OpenAI's Opposition to Motion to Compel Datasets	185-4	Seal
Exhibit 5 to OpenAI's Opposition to Motion to Compel Datasets	185-5	Seal
Exhibit 6 to OpenAI's Opposition to Motion to Compel Datasets	185-6	Seal

6. **Category (ii).** The specific processes that OpenAI employs to train and evaluate ChatGPT models, including the sources and specific amounts of data, data collection and acquisition techniques, analyses of user data, user data figures, internal data retention policies and procedures, agreements with its business partners, proprietary litigation documents that include personally identifying information, and confidential technical know-how constitute highly sensitive proprietary information. OpenAI treats such information as confidential or highly confidential and generally does not publicly disclose this type of information. Category (ii) information can be found in the following:

Description	ECF No.	Redact or Seal
Letter Seeking Adoption of Plaintiffs' Proposed Omnibus Protective Order	97	Redact
Exhibit 2 to the Letter Seeking Adoption of Plaintiffs' Proposed Omnibus Protective Order	97-2	Seal
Exhibit 5 to the Letter Seeking Adoption of Plaintiffs' Proposed Omnibus Protective Order	97-5	Seal
Motion to Compel Documents re ChatGPT Products	144	Redact
Exhibit 4 to the Motion to Compel Documents re ChatGPT Products	144-1	Seal
Exhibit 5 to the Motion to Compel Documents Including Certain Libgen Search Terms	153-5	Seal
Exhibit 6 to the Motion to Compel Documents Including Certain Libgen Search Terms	153-6	Seal
Exhibit 7 to the Motion to Compel Documents Including Certain Libgen Search Terms	153-7	Seal

Description	ECF No.	Redact or Seal
Motion to Compel Documents including certain Libgen Search Terms	154	Redact
Motion to Compel Datasets	155	Redact
Exhibit A to the Motion to Compel Datasets	155-2	Seal
Exhibit F to the Motion to Compel Datasets	155-7	Redact
Exhibit G to the Motion to Compel Datasets	155-8	Redact
Exhibit H to the Motion to Compel Datasets	155-9	Redact
Exhibit I to the Motion to Compel Datasets	155-10	Redact
Letter Seeking In Camera Review of Certain Privileged Documents	156	Redact
Exhibit 3 to the Letter Seeking In Camera Review of Certain Privileged Documents	156-3	Seal
Exhibit 4 to the Letter Seeking In Camera Review of Certain Privileged Documents	156-4	Seal
Motion to Compel Documents re Dashboards	157	Redact
Exhibit F to the Motion to Compel Documents re Dashboards	157-7	Redact
Exhibit H to the Motion to Compel Documents re Dashboards	157-9	Redact
OpenAI's Opposition to Motion to Compel Datasets	185	Redact
Exhibit 4 to OpenAI's Opposition to Motion to Compel Datasets	185-4	Seal
Exhibit 5 to OpenAI's Opposition to Motion to Compel Datasets	185-5	Redact
Exhibit 6 to OpenAI's Opposition to Motion to Compel Datasets	185-6	Redact
Exhibit A to OpenAI's Opposition to Motion to Compel GPT Products	195-1	Redact
Exhibit B to OpenAI's Opposition to Letter Seeking In Camera Review	197-2	Redact
Exhibit D to OpenAI's Opposition to Letter Seeking In Camera Review	197-4	Seal

7. **Category (iii).** OpenAI treats discussions with, and internal discussions about, current and potential business partners, especially as they relate to quotes or strategic decisions, as confidential or highly confidential given the highly competitive nature of the artificial

intelligence industry. OpenAI generally does not publicly disclose strategic decision-making deliberations concerning actual or potential business relationships to prevent competitive harm to OpenAI. Moreover, OpenAI and certain partners have express agreements with confidentiality provisions that prevent public disclosure of confidential facts about the companies' business relationships. Public disclosure of category (iii) information would cause competitive harm to OpenAI, given the highly competitive nature of the artificial intelligence industry with global stakeholders and could cause violation of OpenAI's confidentiality agreements with third parties. Category (iii) information can be found in the following:

Description	ECF No.	Redact or Seal
Letter Seeking Adoption of Plaintiffs' Proposed Omnibus Protective Order	97	Redact
Exhibit 2 to the Letter Seeking Adoption of Plaintiffs' Proposed Omnibus Protective Order	97-2	Seal
Exhibit 5 to the Letter Seeking Adoption of Plaintiffs' Proposed Omnibus Protective Order	97-5	Seal
Exhibit 5 to the Motion to Compel Documents Including Certain Libgen Search Terms	153-5	Seal
Exhibit 6 to the Motion to Compel Documents Including Certain Libgen Search Terms	153-6	Seal
Exhibit 7 to the Motion to Compel Documents Including Certain Libgen Search Terms	153-7	Seal
Motion to Compel Documents including certain Libgen Search Terms	154	Redact
Exhibit 3 to the Letter Seeking In Camera Review of Certain Privileged Documents	156-3	Seal
Exhibit 4 to the Letter Seeking In Camera Review of Certain Privileged Documents	156-4	Seal

8. OpenAI's request is narrowly tailored. Wherever practical, OpenAI is only seeking to redact selected portions of the parties' briefs and exhibits, leaving the balance unredacted and open to the public.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 13th day of June 2025, in San Francisco, California.

A handwritten signature in black ink, appearing to read 'Maile Yeats-Rowe', is written over a horizontal line.

Maile Yeats-Rowe
Senior Litigation Counsel
OpenAI